

REMARKS

Claims 1, 5-7, 10-16 and 23 were previously cancelled without prejudice. Claims 4, 8, 19-20, 22, 24 and 30 have been amended. In this amendment, no claims have been added or cancelled. With entry of this amendment, claims 2-4, 8-9, 17-22 and 24-30 will be pending. No new matter has been introduced. Applicant respectfully submits that the amended claims are in condition for allowance.

The undersigned wishes to thank the Examiner for her allowance of claims 2, 3, 8, 9, 17-22 and 24-29.

CLAIMS 4, 8 AND 30

Claims 4 and 30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner recites that R^2 , R^3 , R^6 and R^7 are not properly defined in claim 4. Applicant has amended claim 4 to clarify that R^2 , R^3 , R^6 and R^7 are defined according to claim 8.

The Examiner further recites that the phrase “can be” in claim 30 is ambiguous. Claim 30 has been amended by replacing the phrase “can be 2-fluorophenyl, 3-fluorophenyl, 4-fluorophenyl, 2,4-difluorophenyl, 2,6-difluorophenyl, 2,3,4,5-tetrafluorophenyl or pentafluorophenyl, ” with the phrase “are the same or different and are 2-fluorophenyl, 3-fluorophenyl, 4-fluorophenyl, 2,4-difluorophenyl, 2,6-difluorophenyl, 2,3,4,5-tetrafluorophenyl or pentafluorophenyl.”

With these amendments, claims 4 and 30 have been placed in condition for allowance. Consideration and allowance of claims 4 and 30 are respectfully requested.

Applicant also amended claims 8, 19-20, 22 and 24 to correct typographical errors.

DECLARATION AND PRIORITY DOCUMENT

The Examiner has declared the oath or declaration defective because the specification to which the oath or declaration is directed has not been adequately identified.

This application is a continuation of and claims priority to International Application No. PCT/DE02/03110 filed on August 21, 2002, which claims priority to German Application No. 10141266.5 filed on August 21, 2001. This application claims the priority of each of these

applications and patents and fully incorporates the subject matter thereof. A new declaration is being filed herewith.

Additionally, a certified copy of German Application No. 10141266.5 is being filed herewith.

CONCLUSION

In view of the foregoing, consideration and allowance of claims 2-4, 8-9, 17-22 and 24-30 are respectfully requested. The Examiner is strongly encouraged to contact the undersigned by telephone at the Examiner's convenience should any issues remain.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. J. Hartwig', with a long horizontal line extending to the left.

Gregory J. Hartwig
Reg. No. 46,761

Docket No.: 085516-9012-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560

X:\clientb\085516\9012\A1394934.1